

**United States Environmental Protection Agency
Criminal Investigation Division
Investigative Activity Report**

Case Number:

0700-0563

Case Title:

Cass County PWSD 9

Subject of Report:

Interview of (b) (6) - January 4, 2018

Reporting Office:

Kansas City Area Office

Activity Date:

January 4, 2018

Reporting Official and Date:

(b) (6), (b) (7)(C)

Special Agent

17-JAN-2018, Signed by: (b) (6), (b) (7)(C)

Approving Official and Date:

(b) (6), (b) (7)(C)

Assistant Special Agent in Charge

23-JAN-2018, Approved by: (b) (6), (b) (7)(C)

Assistant Special Agent in Charge

SYNOPSIS

On January 4, 2018, SAs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) at his residence, located at (b) (6), (b) (7)(C) Pleasant Hill MO.

DETAILS

On January 4, 2018, SAs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) at his residence, located at (b) (6), (b) (7)(C) Pleasant Hill MO. This Investigative Activity Report (IAR) is a summary of what appears to be, at this point in the investigation, the important statements that (b) (6), (b) (7)(C) made to EPA-CID SAs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) during his interview on January 4, 2018. This summary is not a verbatim transcription of the interview of (b) (6), (b) (7)(C) on January 4, 2018. Rather, this IAR is a summary of the statements made by (b) (6), (b) (7)(C) during his interview. For a complete account of all of the statements made by (b) (6), (b) (7)(C) in the course of his interview, refer to the digital recording maintained as evidence in the KCAO.

(b) (6), (b) (7)(C) is the (b) (6), (b) (7)(C) of Cass County PSWD #9 (Cass Co 9). He believes he holds a DSIII certification. He has worked at Cass Co 9 for (b) (6), (b) (7)(C) of the district, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) hires, pays the bills and signs checks. He also oversees repairs or expansions to the distribution system. Missouri Department of Natural Resources (MDNR) requires the submittal of engineering reports and samples and has reporting requirements regarding main breaks. (b) (6), (b) (7)(C) stated he used to collect the samples but now (b) (6), (b) (7)(C) does. He stopped collecting the samples in May 2017. (b) (6), (b) (7)(C) stated he used to take the samples to the health department to be shipped to "the state" for bacteriological tests. When (b) (6), (b) (7)(C) collected the samples, he would perform a chlorine test on the samples. Lead and copper samples would also be collected "every few years."

(b) (6), (b) (7)(C) stated (b) (6), (b) (7)(C) was an employee of Cass Co 9, but he was fired in November. (b) (6), (b) (7)(C) read meters, worked in the office, and helped with repairs. (b) (6), (b) (7)(C) works in the office and (b) (6), (b) (7)(C) helps as needed. (b) (6), (b) (7)(C) reports to "the board." (b) (6), (b) (7)(C) explained the district is divided into five sub-districts, and a representative from each sub-district holds a seat on the board. Each representative is elected to sit on the board, unless no representative from a sub-district runs, then a representative is appointed. The five current board members are (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C). The current members have served on the board from five to 20 years, with (b) (6), (b) (7)(C) serving the longest at 20 years and (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C) serving the fewest years. (b) (6), (b) (7)(C) conducts the board meetings. During the monthly board meetings, (b) (6), (b) (7)(C) reports the monthly operations, provides financial statements, current month-to-budget comparisons, water loss reports, etc. Most of (b) (6), (b) (7)(C) interactions with the board happen at the board meetings. Otherwise, he doesn't have much to do with the board. (b) (6), (b) (7)(C) prepares the district's annual budget and presents it to the board every fall. The budget is reviewed by the board, then they vote to approve or disapprove. The board is not overseen by any entity, and they don't report to any

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county officials. Nor would the board report to MDNR. If any reporting is needed, [REDACTED] would be the one to contact MDNR. He has worked with (b) (6), (b) (7) at MDNR, so (b) (6), [REDACTED] would be his first call.

[REDACTED] (b) (6), [REDACTED] (b) (6), and possibly (b) [REDACTED] are the names on the district's checking account. Two signatures are required on each check, usually [REDACTED] and (b) (6), [REDACTED] will sign the checks. If [REDACTED] can't sign, (b) (6), [REDACTED] would sign instead. As to the district's credit cards – [REDACTED] (b) (6), [REDACTED] and [REDACTED] all have a card. Approved purchases would be for supplies - repair supplies, meter supplies, office supplies, lights, fuel for the trucks. All expenditures would be reviewed by the board. Financial statements are provided to the board one to two days before the meeting. No purchase has ever been denied. If a purchase were questioned, an explanation would need to be provided and the board would most likely ask for repayment. When asked if the credit cards have ever been abused, [REDACTED] stated "not intentionally." [REDACTED] stated he has been asked by the board to repay purchases he made. He said six years ago he "activated a cell phone" for internet access for his iPad, but he didn't have to use it. He forgot about it, then four years later (b) (6), (b) (7) brought it to the board's attention. [REDACTED] stated he was on suspension for two weeks without pay to pay back the cost of the cell phone line.

[REDACTED] stated there were questions raised back in May 2017 about his sampling procedures, and "that was taken care of" by assigning [REDACTED] to collect the samples. [REDACTED] stated he followed "DNR's" procedures by filling out their paperwork, taking the samples, taking chlorine tests, and sending them in to the health department. He said he collected the samples at "different locations in the district," and he replied "yeah" when asked if he went to those locations. He then stated "my sample reports tell where I went and my record speaks for itself." When asked where the sample locations were, he said he didn't know because "that was seven months ago" despite having collected samples for 20 years. He said he "would have to go back and look." He said there were six locations, and he would collect the first sample of the day from a spigot in the basement of the residence. He described the collection procedure: let the water run, take the chlorine sample, disinfect the spigot, take the sample itself. [REDACTED] described how to take a chlorine sample with a digital meter. He records the chlorine meeting on the DNR sheet. He described the sample bottles as three to four inches tall and about an inch around. The health department routinely sends bottles to his office. Once he collects all six samples, he takes them to the health department by 10:30 so the courier can pick up and deliver the samples to Jefferson City MO. He gets a report from Jefferson City, which is filed. If the report identifies a sample that failed for coliform, [REDACTED] has to collect another sample at the same sample site. If the failed result is for fecal, [REDACTED] has to sample upstream and downstream from the sample site. [REDACTED] would not report failed samples to the board unless the second samples also failed. [REDACTED] was unsure what he would have to do if a second set of samples failed, but, he said, MDNR would tell him what to do. [REDACTED] could not remember the last time one of his samples failed for coliform. [REDACTED] stated he has issued boiler orders two or three times during his 26 years at Cass Co 9. Those orders were because of his supplier, Tri-County Water. Cass Co 9 does not treat the water they buy.

[REDACTED] stated his house was the first sample location. When asked where he would sample next, he said he "would have to look at his paper." He said he collected samples monthly, and he would like to collect the samples around the first of the month. He would start sampling early in the morning. He would collect the sample from his basement at 5:30 in the morning. Depending on the weather, the whole sampling process would take about four hours.

At this point in the interview, [REDACTED] stated his record proves what he did, and if there were any questions, he took care of it. He said this whole thing comes down to employees getting back at their boss. He said he hired (b) [REDACTED] as a favor to (b) (6), [REDACTED], but he wasn't real comfortable with (b) [REDACTED]. [REDACTED] called (b) [REDACTED] "a cancer to the district." (b) [REDACTED] was the one who brought the extra cell line and sampling stuff to the board.

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█████ told the board he would take care of it, so he took the cell phone off the account, assigned someone else to do the sampling, and they moved on. █████ said the board dismissed (b) (6). "thank god," but the board didn't tell █████ why. █████ was instructed by the board to notify (b) (6) of his dismissal. In October, on the day of the board meeting, which ended around 1:00 or 2:00 in the afternoon, █████ saw (b) (6) in the office even though (b) (6) had requested off that day. █████ told (b) (6) he was dismissed and to clean out his desk. █████ was glad to see (b) (6) go.

█████ said the allegations came up in May or June 2017. In June or July, █████ and (b) (6) were told to make up and continue to work together. The board said they would discuss the issue again in October. █████ said they were getting along at work. █████ is not aware of any wrongdoing by (b) (6) that would lead to a dismissal. █████ said (b) (6) had a drinking problem because (b) (6) would brag about his weekend. (b) (6) would text his girlfriends at work.

█████ stated he would go to the sample sites early in the morning when most of them were at work. The residents wouldn't give him access to their house; he would take the samples from an outside spigot. Regarding the (b) (6) house, he would take the sample on the south side of the house. Another sample site was (b) (6) by Pleasant Hill. █████ would take that sample on the north side of the house. █████ would tell the residents at the sample sites he was coming. They didn't know they were sample sites. When asked if he went to each of the sampling locations when he collected samples, █████ stated "my results will show what I did. My paperwork shows where I went."

█████ was advised that providing false or misleading information to the Agents during the interview could be prosecuted federally.

█████ stated the sampling locations were his house, his brother – (b) (6), (b) (6) his cousin – (b) (6), (b) (6), (b) (6), (b) (6), (b) (7), and (b) (6), (b) (6). From (b) (6), █████ house, he would go to his brother's, then to either (b) (6), or (b) (6), (b) (6) house, then (b) (6), (b) (6) then to the office. He didn't know when he would get to the office. He said he didn't need a code to get in the office. He would not log in to his computer when he got to the office because it's not required. His computer is on all the time. When he gets to the office, he would probably finish the sampling paperwork and box up the samples. He usually shows up to work between 7:30 and 7:45. █████ said on sampling days he would show up later because he would still be out collecting samples. █████ said his employees were mad at him because he took away their breakfast 'safety' meeting. (b) (6), was supposed to get to work at 8:00, but she's routinely late. █████ said (b) (6), was mad at him for letting (b) (6), (b) (7)(C) go, a part-time employee that (b) (6), was close to. █████ said (b) (6), (b) (6) was his contractor who set meters and did repairs for the district. █████ said he also sampled at the (b) (6), house.

█████ asked to speak to an attorney, and the interview was concluded.

The recording is identified as recording number (b) (6), (b) (6) WMA. A chain of custody form was completed (attached) and the recording was placed on a compact disc as a digital master. The original chain of custody and digital master was entered into KCAO evidence by SA █████ on January 17, 2018.

ATTACHMENT

COC - █████ Interview